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14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN JOSE DIVISION

17 UNITED STATES OF AMERICA,) No. CR 08-00544 JF
18 Plaintiff,) STIPULATION AND [XXXXXXXXXXXX
19 v.) ORDER EXCLUDING TIME FROM
CARLOS STEVE BURGUENO) AUGUST 21, 2008 TO SEPTEMBER 8,
Defendant.) 2008 FROM THE SPEEDY TRIAL ACT
CALCULATION (18 U.S.C. §
3161(h)(8)(A))

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22 The parties stipulate that the time between August 21 and September 8, 2008 is excluded
23 under the Speedy Trial Act, 18 U.S.C. §3161, and agree that the failure to grant the requested
24 continuance would unreasonably deny defense counsel reasonable time necessary for effective
25 preparation, taking into account the exercise of due diligence. Finally, the parties agree that the
26 ends of justice served by granting the requested continuance outweigh the best interest of the
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1 public, and the defendant in a speedy trial and in the prompt disposition of criminal cases.

4 18 U.S.C. §3161(h)(8)(A).

6 DATED: September 3, 2008

JOSEPH P. RUSSONIELLO
7 United States Attorney

8 /s/
9 CHAD M. MANDELL
Special Assistant United States Attorney

10
11 /s/
12 MANUEL ARAUJO
13 Assistant Federal Public Defender

ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the time between August 21 and September 8, 2008 is excluded under the Speedy Trial Act, 18 U.S.C. §3161. The court finds that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Furthermore, the Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. §3161(h)(8)(A).

IT IS SO ORDERED.

DATED: September 12, 2008

Patricia V. Trumbull

PATRICIA V. TRUMBULL
UNITED STATES MAGISTRATE JUDGE